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DRURY CONVICTION UPHELD ON APPEAL

Lisa Godbey Wood, United States Attorney for the Southern District of Georgia, today announced that the Eleventh Circuit Court of Appeals has affirmed the conviction of Dr. Carl M. Drury, Jr. Drury had been convicted in February 2002 by a federal court jury on four counts of violating the federal murder for hire statute (18 U.S.C .§ 1958) and one count of possessing a firearm in furtherance of a crime of violence. The jury found that Dr. Drury used a telephone to solicit the murder-for-hire of his estranged wife, Mary, and that he provided the firearm to be used in her execution. Drury received a sentence of 17 years.

Dr. Drury was arrested in August 2001 following an undercover investigation conducted by the ATF. Drury initially solicited a close friend, who was also a firearms instructor at the Federal Law Enforcement Training Center (FLETC) in Brunswick, to either kill his wife or help him find someone to get it done. The instructor reported the solicitation to the ATF, and agreed to provide Drury with the phone number of a "hit man" to commit the murder. The hit man was actually an undercover agent, and during four phone calls and two meetings, all of which were captured on tape, Drury requested the agent to kill his wife, make it look like an accident, gave the agent details of his wife's work schedule and habits, provided the agent with a \$250 down payment on the \$2000 contract, and gave the agent a .38 pistol to use to commit the crime (the plan called for the murder to occur during a robbery or mugging).

At trial, Drury's attorneys argued that Dr. Drury had been duped by his friend the firearms instructor into participating in what Drury thought was a FLETC "roleplay" training exercise - essentially that it was all pretend. Drury's attorneys claimed the instructor was jealous of Drury's lifestyle and may have been after his wife. The jury of nine women and three men deliberated approximately three and one-half hours before convicting him on all counts.

Following the conviction, Drury's lawyers appealed to the United States Court of Appeals for the Eleventh Circuit and raised a number of issues, including that the federal district court lacked jurisdiction to hear the case. In September 2003, a three judge panel of the Eleventh Circuit affirmed the conviction in all respects. Drury then sought rehearing en banc by all twelve judges of the Eleventh Circuit, which was granted. Drury's lawyers principally raised the argument of lack of federal jurisdiction before the court which heard oral arguments in June 2004. On January 14, 2005, the full court entered an order finding that Congress had amended the murder-for-hire statute in December 2004, which conclusively established federal jurisdiction over Drury's crimes. The full court remanded the case to the three judge panel, which entered its decision again affirming Drury's convictions on January 18, 2005.

Appellate Chief Amy Lee Copeland represented the government on appeal. Trial counsel for the United States were Darrin L. McCullough and Senior Litigation Counsel Frederick W. Kramer.

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